IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Crl. Misc. No. 13416-M of 2007

DATE OF DECISION : 02.03.2007

Jai Kumar and others

.... PETITIONERS

Versus

State of Haryana

..... RESPONDENT

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present: Mr. V.B. Aggarwal, Advocate,
for the petitioners.

* * *

The petitioners, who are the accused in case FIR No. 5 dated 17.1.2001 under Sections 148/149/323/506/504/427 IPC, registered at Police Station Buria, District Yamuna Nagar, have filed this petition under Section 482 of the Code of Criminal Procedure for quashing the order dated 12.1.2007, passed by the trial court, whereby on the application filed by the complainant under Section 311 Cr.P.C., the prosecution has been permitted to examine Doctor as well as the Investigating Officer.

2. I have heard counsel for the petitioners and gone through the impugned order.

3. In the aforesaid impugned order dated 12.1.2007, it has been observed by the trial court that examination of the Doctor and the Investigating Officer is necessary for the just and proper decision of the case. I do not find any ground to interfere in the impugned order, which has been passed by the trial court under Section 311 Cr.P.C., while coming to the conclusion that examination of the witnesses is necessary for the just and proper decision of the case. The contention of counsel for the petitioner

that while allowing the application under Section 311 Cr.P.C., the trial court has reviewed its order, is not acceptable.

4. Dismissed.

March 02, 2007 **(SATISH KUMAR MITTAL)**
ndj **JUDGE**